## IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEBRASKA

8:10CR449
6.10CR449
DETENTION ORDER
to 18 U.S.C. § 3142(f) of the Bail Reform s the above-named defendant detained
pecause it finds: uce that no condition or combination of ppearance of the defendant as required. no condition or combination of conditions my other person or the community.
ence which was presented in court and d includes the following: offense charged: manufacture methamphetamine (Count § 846 carries a minimum sentence of ten a maximum of life imprisonment; the phedrine with intent to manufacture II) in violation of 21 U.S.C. § 841(c)(1) ce of twenty years imprisonment. iolence. cotic drug. e amount of controlled substances, to wit
the defendant including:  pears to have a mental condition which or the defendant will appear.  Is no family ties in the area.  Is no steady employment.  Is no substantial financial resources.  Into a long time resident of the community.  It is not have any significant community.  It is a history relating to drug abuse.  Is a history relating to alcohol abuse.  Is a significant prior criminal record.  Is a prior record of failure to appear at a contract.  It is the defendant was on:

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Probation Parole Release pending trial, sentence, appeal or complet sentence.  (c) Other Factors: The defendant is an illegal alien and is subjected deportation. The defendant is a legal alien and will be subjected deportation if convicted. The Bureau of Immigration and Custom Enforce (BICE) has placed a detainer with the U.S. Marshall.	ect to ect to
X (4) The nature and seriousness of the danger posed by the defen- release are as follows: The nature of the charges in the Indictment a defendant's substance abuse history.	
X   (5)   Rebuttable Presumptions   In determining that the defendant should be detained, the Court also on the following rebuttable presumption(s) contained in 18 U.S.C. § 3 which the Court finds the defendant has not rebutted:   X   (a) That no condition or combination of conditions will reason assure the appearance of the defendant as required and the of any other person and the community because the Court find the crime involves:   (1) A crime of violence; or   X   (2) An offense for which the maximum penalty imprisonment or death; or   X   (3) A controlled substance violation which has a maximum penalty of 10 years or more; or   (4) A felony after the defendant had been convicted or more prior offenses described in (1) through above, and the defendant has a prior conviction of the crimes mentioned in (1) through (3) above is less than five years old and which was com while the defendant was on pretrial release.	onably safety ds that is life aximum d of two gh (3) or one which
<ul> <li>X (b) That no condition or combination of conditions will reason assure the appearance of the defendant as required and the of the community because the Court finds that there is procause to believe:         <ul> <li>X (1) That the defendant has committed a cont substance violation which has a maximum pen 10 years or more.</li> <li>Y (2) That the defendant has committed an offense under U.S.C. § 924(c) (uses or carries a firearm during relation to any crime of violence, including a crimination violence, which provides for an enhanced punis if committed by the use of a deadly or dang weapon or device).</li> </ul> </li> </ul>	safety bbable rolled alty of nder 18 and in ime of hment

D. Additional Directives
 Pursuant to 18 U.S.C. § 3142(i)(2)-(4), the Court directs that:
 1. The defendant be committed to the custody of the Attorney General for confinement in a corrections facility separate, to the extent practicable from

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- persons awaiting or serving sentences or being held in custody pending appeal; and
- 2. The defendant be afforded reasonable opportunity for private consultation with counsel; and
- 3. That, on order of a court of the United States, or on request of an attorney for the government, the person in charge of the corrections facility in which the defendant is confined deliver the defendant to a United States Marshal for the purpose of an appearance in connection with a court proceeding.
- 4. Pretrial Services shall obtain a substance abuse evaluation and provide a copy of the report to the court and counsel. Thereafter, any party may file a motion to review this order of detention.

DATED: December 23, 2010.

BY THE COURT:

s/ Thomas D. Thalken United States Magistrate Judge